

09/936,692

10

REMARKS

Entry of the foregoing amendments to the application is requested on the grounds that the claims, as amended, patentably distinguish over the cited art of record or, alternatively, place the application in better condition for appeal. The claims more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. No new issues have been added which would require further consideration and/or search, nor has any new matter been added. The claims as amended are believed to avoid the rejections applied in the Final Office Action for reasons set forth more fully below.

The Office Action of March 16, 2005 has been received and carefully reviewed. It is submitted that, by this Communication, all bases of rejection and objection are traversed and overcome. Upon entry of this Communication, claims 1-31 remain in the application. Reconsideration of the claims as currently set forth is requested.

Claims 1-11, 13-15, 18-25, and 27-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nakabayashi et al (5,554,669) in view of by Tezuka et al. (4,089,830), Wilson et al. (4,758,612), Wilson et al. (4,569,954), Englebrecht (4,872,936), Okayabashi et al. (5,051,453) Kato et al. (5,520,725) or National Res Dev Corp (GB 1,507,981).

Applicants have amended independent claims 1 and 18 to recite a compomer. Support for this recitation may be found in the specification as filed at page 5, line 30 to page 6, line 11. In contrast to the emulsions taught by Nakabayashi, compomers generally do not contain significant amounts of water (see specification as filed at page 6, lines 12-13).

Since Nakabayashi does not teach or suggest a compomer as recited in Applicants' claims 1 and 18, it is submitted that Applicants' invention as defined in amended claims 1 and 18, as well as in any claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by the cited references, either alone or in combination, and patentably defines over the art of record.

Claims 12, 16, 17, 26, 30 and 31 are objected to as being dependent upon a rejected base claim. Applicants submit that claims 12, 16, 26 and 30 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 17 depends from amended claim 16 and claim 31 depends from amended claim 30. Further, claims 2-11, 13-15, 19-25, and 27-29 have been amended to depend ultimately from one of claims 12, 16 and 26, and are in a condition suitable for allowance.

09/936,692

11

In summary, claims 1-31 remain in the application. It is submitted that, through this Communication, Applicants' invention as set forth in these claims is now in a condition suitable for allowance. Should the Examiner believe otherwise, it is submitted that the claims as amended qualify for entry as placing the application in better form for appeal. Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

DIERKER & ASSOCIATES, P.C.



Julia Church Dierker
Attorney for Applicants
Registration No. 33368
(248) 649-9900, ext. 25
juliad@troypatent.com

3331 West Big Beaver Rd., Suite 109
Troy, Michigan 48084

Dated: May 16, 2005
JCD/JRO/jro